

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,)	
)	
Plaintiff,)	ORDER OF DETENTION PENDING
)	FINAL HEARING ON PETITION
vs.)	
James Russell Windy Boy)	Case No. 1:18-cr-123
)	
Defendant.)	

In accordance with Federal Rule of Criminal Procedure 32.1(a)(6) and 18 U.S.C. § 3143(a), I conclude that the following facts require the detention of the defendant.

PART I – FINDINGS AND CONCLUSIONS

Alternative A – The Court finds one or more of the following:

- ☒ (1) The Defendant has not proven by clear and convincing evidence that the defendant is not likely to flee.
- ☒ (2) The Defendant has not proven by clear and convincing evidence that the defendant does not pose a danger to the safety of other persons or the community.

Alternative B – The Court finds one of the following:

- ☐ (1) Defendant does not contest detention at this time.
- ☐ (2) Defendant is not eligible for release at this time.

PART II – WRITTEN STATEMENT OF REASONS FOR DETENTION

Based on the evidence presented at the hearing, the Court finds probable cause exists to support each allegation in the petition. Defendant has the burden of proving he is not likely to flee or pose a danger to the safety of other persons or the community. Defendant has not met this burden. Defendant has not shown evidence to show he does not pose a safety risk. Defendant has a history of being deceptive with U.S. Pretrial Services and law enforcement. Although Defendant has made a number of positive steps, evidence of overuse of alcohol and driving is also a community safety concern. Defendant shall be held in custody pending further proceedings.

PART III – DIRECTIONS REGARDING DETENTION

Defendant is committed to the custody of the Attorney General or designated representative for confinement in a corrections facility. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver defendant to the United States marshal for the purpose of an appearance in connection with court proceedings.

Date: 4/19/2022

/s/ Clare R. Hochhalter, Magistrate Judge

United States Magistrate Judge